

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TIFFANY SAIDNIA,

Plaintiff,

-against-

NIMBUS MINING LLC, et al.,

Defendants.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 10/1/2021

21-cv-7792 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff alleges that I have subject matter jurisdiction over this breach of contract action on the basis of diversity because “Plaintiff, a citizen of California, is suing individuals and entities, none of which are citizens of California, and the amount in controversy is more than \$75,000.” (Doc. 1 ¶ 19.) This action, however, involves a limited liability company (“LLC”). (*See id.* ¶ 14.) “A limited liability company takes the citizenship of its members.” *Avant Cap. Partners, LLC v. W108 Dev. LLC*, 387 F. Supp. 3d 320, 322 (S.D.N.Y. 2016) (collecting cases). “A complaint premised upon diversity of citizenship must allege the citizenship of natural persons who are members of a limited liability company and the place of incorporation and principal place of business of any corporate entities who are members of the limited liability company.” *Id.* (citation omitted). Plaintiff states only that “Defendant Nimbus Mining LLC is a Delaware Limited Liability Company with its principal offices at 324 East 11th Street, Suite 1640, Kansas City, Missouri 64106.” (Doc. 1 ¶ 14.) Plaintiff does not allege the citizenship of the LLC’s members or indicate whether the members are natural persons or corporate entities. “Defective allegations of jurisdiction may be amended, upon terms, in the trial or appellate

courts.” 28 U.S.C. § 1653. Accordingly, it is hereby:

ORDERED that by on or before October 7, 2021, Plaintiff shall file affidavits or an amended complaint adequately establishing the existence of subject-matter jurisdiction, or the action may be dismissed without further notice, for lack of jurisdiction.

SO ORDERED.

Dated: October 1, 2021
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, stylized "V" that loops around the first few letters. The last name "Broderick" is written in a similar cursive style. The signature is positioned above a horizontal line.

Vernon S. Broderick
United States District Judge